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**OFFICE OF PETITIONS**

In re :  
Brady, et al. : DECISION REGARDING  
Application No. 10/001,237 : PATENT TERM ADJUSTMENT  
Filed: October 30, 2001 :  
Patent No. 6,979,556 :  
:

This letter is in response to the "AMENDED REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705(b)", filed August 20, 2007. Applicants request that the determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from seven hundred twenty-nine (729) days to nine hundred one (901) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **nine hundred one (901) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On April 5, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is seven hundred twenty-nine (729) days. On April 6, 2007, Applicants timely<sup>1</sup> submitted an application for patent term adjustment, asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is nine hundred one (901) days. However, the request was dismissed in a decision mailed on July 13, 2007.

<sup>1</sup> Applicants filed the application for patent term adjustment together with the filing of the issue fee.

Applicants state that the patent issuing is not subject to a terminal disclaimer.

The Office initially determined a patent term adjustment of seven hundred twenty-nine (729) days based on an adjustment for PTO delay of six hundred twenty-seven (627) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), two hundred sixteen (216) and one hundred thirteen (113) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. § 1.703(a)(2), reduced by Applicants' delays of fifty-five (55) and one hundred seventy-two (172) days pursuant to 35 U.S.C. 154(b)(2)(C)(iii) and 37 C.F.R. § 1.704(c)(8).

Applicants filed an application for patent term adjustment on April 6, 2007. However, the request was dismissed in a decision mailed on July 13, 2007, because Applicants did not included a proper 37 C.F.R. § 1.704(d) statement.

With the instant request for reconsideration, patentees have certified under 37 C.F.R. § 1.704(d) that "each item of information contained in the information disclosure statement (1/8/07 I.D.S.) was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than 30 days prior to the filing of the information disclosure statement (1/8/07 I.D.S.).

Accordingly, the petition is granted.

In view thereof, the correct determination of PTA at the time of issuance is **nine hundred one (901)** days (956 days of PTO delay and 55 days of applicant delay).

The application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571) 272-3207.

*Kery A. Fries*  
Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Day : Tuesday  
Date: 1/15/2008

Time: 11:57:01

**PALM INTRANET****PTA Calculations for Application: 10/001237**

Application Filing Date:	10/30/2001	PTO Delay (PTO):	956
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	227
Post-Issue Petitions:	0	Total PTA (days):	901
PTO Delay Adjustment:	172		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
88	01/15/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	172		
59	03/13/2007	MAIL NOTICE OF ALLOWANCE	113		50
58	01/08/2007	REFERENCE CAPTURE ON IDS			
57	01/08/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		172	50
56	02/01/2007	CORRESPONDENCE ADDRESS CHANGE			
55	12/04/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
54	11/13/2006	ISSUE REVISION COMPLETED			
53	11/13/2006	NOTICE OF ALLOWABILITY			
52	10/05/2006	CASE DOCKETED TO EXAMINER IN GAU			
51	08/08/2006	DATE FORWARDED TO EXAMINER			
50	07/20/2006	RESPONSE AFTER NON-FINAL ACTION			
49	06/02/2006	MAIL NON-FINAL REJECTION			
48	05/30/2006	NON-FINAL REJECTION			
47	03/06/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
46	03/06/2006	REFERENCE CAPTURE ON IDS			
45	03/06/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	03/15/2006	DATE FORWARDED TO EXAMINER			
43	03/06/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
42	03/15/2006	DATE FORWARDED TO EXAMINER			
41	03/06/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
40	03/15/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			

39	03/06/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
38	01/25/2006	MAIL EX PARTE QUAYLE ACTION (PTOL - 326)			
37	12/27/2005	EX PARTE QUAYLE ACTION			
36	10/28/2005	DATE FORWARDED TO EXAMINER			
35	10/21/2005	AMENDMENT AFTER FINAL REJECTION			
34	10/07/2005	MAIL FINAL REJECTION (PTOL - 326)	216		31
33	10/03/2005	FINAL REJECTION			
32	05/25/2005	DATE FORWARDED TO EXAMINER			
31	11/05/2004	RESPONSE AFTER NON-FINAL ACTION			
30	09/17/2004	REFERENCE CAPTURE ON IDS			
29	02/11/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
28	12/30/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		55	31
27	11/05/2004	WORKFLOW INCOMING AMENDMENT IFW			
26	09/17/2004	MAIL NON-FINAL REJECTION	627		-1
25	09/10/2004	MAIL-RECORD PETITION DECISION OF GRANTED TO MAKE SPECIAL			
24	08/16/2004	NON-FINAL REJECTION			
23	05/07/2004	PRELIMINARY AMENDMENT			
22	04/26/2004	NEW OR ADDITIONAL DRAWING FILED			
21	05/21/2004	CORRESPONDENCE ADDRESS CHANGE			
20	05/24/2004	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
19	05/07/2004	WORKFLOW INCOMING AMENDMENT IFW			
18	05/06/2004	CASE DOCKETED TO EXAMINER IN GAU			
17	04/04/2004	PETITION ENTERED			
16	04/02/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	04/05/2004	PRELIMINARY AMENDMENT			
14	04/05/2004	WORKFLOW INCOMING AMENDMENT IFW			
13	04/02/2004	WORKFLOW INCOMING PETITION IFW			
12	04/02/2004	WORKFLOW INCOMING PETITION IFW			
11	10/31/2002	CASE DOCKETED TO EXAMINER IN GAU			
10	10/22/2002	PRELIMINARY AMENDMENT			
9	04/03/2002	APPLICATION DISPATCHED FROM OIPE			
8	04/03/2002	APPLICATION IS NOW COMPLETE			
7	02/07/2002	PAYMENT OF ADDITIONAL FILING FEE/PREEEXAM			

6	02/07/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	12/28/2001	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
2	12/11/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	10/30/2001	INITIAL EXAM TEAM NN			

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#### EXPLANATION OF PTA CALCULATION

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